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Page 1

Marguerite Mounier-Wells. Esq. (MMW 5960)

Fitzgerald & Crouch, P.C.

649 Newark Avenue

Jersey City, NJ 07306

Phone: (201)533-1100 Fax: (201)533-1111

Attorney for the Debtors

Order Filed on December 6, 2019 by Clerk, U.S. Bankruptcy Court - District of New Jersey

United States Bankruptcy Court

District of New Jersey

In Re:

Chapter 13

Case No.: 17-34679

LUIS ORELLANA SUSANA ORELLANA,

Honorable Stacey L. Meisel

HEARING DATE: 11/13/2019

10:00 a.m.

Debtors.

ORDER APPROVING CO-DEBTOR'S PARTIAL PERSONAL INJURY SETTLEMENT NUNC PRO TUNC

The relief set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED.**

DATED: December 6, 2019

Honorable Stacey L. Meisel United States Bankruptcy Judge Page 2

Debtor: Luis & Susana Orellana

Case No. 17-34679

Caption: ORDER APPROVING CO-DEBTOR'S PARTIAL PERSONAL INJURY

SETTLEMENT NUNC PRO TUNC

This matter having come before the Court upon the debtor's Notice of Motion for an Order approving the co-debtor's partial personal injury settlement *nunc pro tunc*, and the Court having examined the evidence presented, and for good cause shown;

It is

ORDERED AND DECREED, that the co-debtor's partial personal injury settlement hereby attached as Exhibit A to this Order is approved; and it is further

ORDERED AND DECREED, that of the \$32,500.00 representing the co-debtor's partial personal injury settlement, the co-debtor is entitled to receive \$21,513.01 after paying counsel fees and expenses; and it is further

ORDERED AND DECREED, that of the \$21,513.01 representing the co-debtor's award after counsel fees and expenses, \$21,224.27 is exempt and not subject to disbursement by the Chapter 13 Trustee.

ORDERED AND DECREED, that of the \$21,513.01 representing the co-debtor's partial personal injury settlement, \$288.74 is non-exempt and subject to disbursement by the Chapter 13 Trustee; and it is further

ORDERED AND DECREED, that the co-debtor shall pay within seven (7) days of the entry of this Order \$288.74, representing the turnover of the non-exempt funds disbursed to her by her personal injury counsel; and it is further

ORDERED AND DECREED, that fees in the amount of \$10,822.50 to Harrell, Smith & Williams, LLC, counsel for the co-debtor, are hereby approved by this Court.

Fitzgerald & Crouch, P.C.	
649 Newark Avenue	
Jersey City, NJ 07306	
Phone: (201)533-1100	
Fax: (201)533-1111	
Attorney for the Debtors	
United States Bankruptcy Court	
District of New Jersey	v
In Re:	Chapter 13
LUIG ODELL AND	Case No.: 17-34679
LUIS ORELLANA	Hamanahla Ctanari I. Maigal
SUSANA ORELLANA,	Honorable Stacey L. Meisel
	HEARING DATE: 11/13/2019
	10:00 a.m.
Debtors.	

Exhibit A – Settlement & Release, Stipulation of Dismissal & Disbursement Sheet

STATEMENT OF SETTLEMENT		
CLIENTS NAME: Susana Orellana	D/A: 1	/02/2016
RECEIPTS Received in full settlement of all claims	\$	32,500.00
DISBURSEMENTS The following out-of-pocket expenses have been made on your behalf:		
None		t
TOTAL	\$	0.00
Harrell Smith & Williams, LLC - 33.33% counsel fee (referral fees to be paid out of this)	\$	10,822.50
The following medical expenses will be made on your behalf:		
First Choice Chiro	\$	164.49
TOTAL	\$	164.49
BALANCE DUE CLIENT	\$	21,513.01

I have examined and find in proper order and satisfactory in all respects the forgoing Statement of Settlement and I hereby authorize you to deduct from the Settlement obtained and collected from the defendants and direct you to pay against receipt therefor, the items mentioned in the Statement of Settlement.

I hereby acknowledge that said items are proper expenditures and charges are satisfactory in amount.

I also hereby acknowledge that I am completely satisfied with the manner in which you have handled the within action and with the disbursement of the monies as set forth in the Statement of Settlement.

I hereby acknowledge that any and all unpaid medical bills not paid by PIP Insurance or personal health insurance are the personal responsibility of the client whether or not set forth in the Statement of Settlement, and that the law firm of Harrell, Smith & Williams, LLC will be held harmless if any legal action is taken against me for nonpayment of these medical bills.

10/4/201a

Susana Orellana

Law Offices of

HARRELL SMITH & WILLIAMS, LLC

767 Central Avenue Westfield, New Jersey 07090

Tele: 908.264.7228 Fax: 908.543.7039

www.HarrellSmithWilliams.com

Kenneth M. Harrell• James Bayard Smith, Jr. Daniel J. Williams

• Certified by the Supreme Court of New Jersey as a Civil Trial Attorney Leigh A. Raffauf
PIP Litigation Director
John FX Kennedy
Of Counsel

September 13, 2019

Law Office of Eric H. Bennett 3 University Plaza Suite 502 Hackensack, NJ 07601 Attn: Jennifer Obodo, Esq.

RE:

Susan Orellana v. Luis Orellana Docket No: HUD-L-4906-17

Dear Ms. Obodo:

Enclosed please find a fully executed Release in the amount of \$32,500.00. Please forward your settlement check payable to Susanna Orellana and Harrell, Smith & Williams, LLC, her attorneys as soon as possible.

Additionally, enclosed herewith is a W-9 form, Charles Jones Child Support Search and a Stipulation of Dismissal.

Thank you for your time and attention.

Very truly yours,
HARRELL, SMITH & WILLIAMS, LLC

John F.X. Kennedy | o |
BY: JOHN F.X. KENNEDY, ESO.

JFK/fd/Encl.

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RELEASE IN FULL OF BODILY INJURY CLAIMS

Claim Number: 0485480270101031 Code: J155

FOR AND IN CONSIDERATION of the payment to Susanna Orellana (Releasor(s)) by and on behalf of Victor R Cortes, Kristine A Santana and GEICO INDEMNITY COMPANY (Releasee(s)) of the sum of THIRTY-TWO THOUSAND FIVE-HUNDRED DOLLARS AND 00/100 (\$32,500.00), and other good and valuable consideration, receipt of which is hereby acknowledged, Releasor(s) hereby and for his/her/their heirs, executors, administrators, successors and assigns, do/does release, acquit, and forever discharge Releasee(s) and their agents, servants, successors, heirs, executors, administrators of and from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, loss of consortium, expenses and compensation whatsoever, which Releasor(s) now have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen, bodily and personal injuries, and the consequences thereof resulting or to result from the accident, casualty or event, or death which occurred on or about January 2nd, 2016 at or near 51st Street & Tonnelle Avenue in North Bergen, New Jersey, which is also the subject of an action entitled "Orellana v. Cortes & Santana" filed with the Superior Court of New Jersey, Law Division, County of Hudson under Docket Number HUD-L-4906-17.

IT IS UNDERSTOOD AND AGREED that this settlement is the compromise of a doubtful and disputed claim, and that the payment made is not to be construed as an admission of liability on the part of the party or parties hereby released, and that Releasee(s) deny liability therefore and intend merely to avoid litigation.

Releasor(s) hereby declare and represent that the injuries sustained are or may be permanent and progressive and that recovery there from is uncertain and indefinite and in making this Release it is understood and agreed that Releasor(s) rely wholly upon his/her/their belief and knowledge of the nature, extent, effect and duration of said injuries and liability therefore and that this Release is made without reliance upon any statement or representation of the party or parties hereby released or their representatives.

Further, Releasor(s) state that while he/she/they hereby release any and all claims against Releasee(s) and their heirs, executors, administrators, agents, employees, successors, and assigns, for both past and future losses, including medical expense, health care and related expenses, the necessity for future medical treatment and expenses incurred is speculative and unknown at this time and therefore, as a result, Releasor(s) reserve the right to pursue and recover all future medical expenses, health care and related expenses, from any person, firm or organization who may be responsible for payment of such expenses, including any first-party health or automobile insurance coverage, but such reservation does not include Releasee(s).

Nothing in this Release should be construed to release any health care provider, or any insurance company from its obligation to provide underinsured/uninsured motorist benefits, personal injury protection benefits, medical payments coverage, health insurance coverage, major medical insurance coverage, disability insurance coverage or life insurance coverage from any claims arising out of the above described incident.

In reaching agreement on the terms of this Release, the parties acknowledge Releasor's possible entitlement to Social Security disability benefits pursuant to 42 U.S.C., Section 423, and any related conditional payments by Medicare or Medicaid under 42 U.S.C., Section 1395y. The parties agree that this settlement is intended to provide Releasor(s) a lump sum and/or future periodic payment which will foreclose Releasee(s) responsibility for future payment of all injury related medical expenses, if any.

Releasor(s) agrees to hold harmless and indemnify Releasee(s) from any cause of action, including, but not limited to, an action by CMS to recover or recoup Medicare payments, including past, present, and any future conditional payments.

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IN FURTHER CONSIDERATION of said payment, Releasor(s) agree to defend, protect, indemnify and hold harmless Releasee(s) from any and every claim or demand, loss and expense of every kind, which may ever be asserted by him/her/them, on his/her/their account, or by anyone else, arising out of any bodily injuries sustained by Releasor(s) as set forth above, and Releasee(s) shall be entitled to plead this obligation and this Release in defense of any such claim. Releasor(s) specifically undertake and agree to defend, indemnify and hold harmless Releasee(s) for any claims, demands, liens, or assignments, relating to the medical care, diagnosis, or treatment of Releasor(s), and any workers compensation claims, demands or liens now pending, or which may be asserted in the future, and any liens arising out of the legal representation of Releasor(s).

Releasor(s) further represent(s) that he/she/they are of legal age and have read and understand this Release of all Claims and Indemnification Agreement and that he/she/they has/have had the opportunity to consult with counsel prior to executing the same.

W/:	Susano Orelano
Witness	Releasor
Witness	Releasor
STATE OF NEW JERSEY)
COUNTY OF) SS.)
. 20 . 1	who has/have produced
	NOTARY PUBLIC
	Printed Named: Commission No.:
	Printed Named:

Attorney At Law State of New Jersey

Sensitivity: Confidential

HARRELL SMITH & WILLIAMS, LLC

John F.X. Kennedy, Esq.

NJ Attorney ID #: 034931989

767 Central Avenue

Westfield, NJ 07090

Phone: 908-543-7037 Fax: 908-543-7039

Attorneys for the Plaintiff

SUSANNA ORELLANA,

Plaintiff,

vs.

LUIS ORELLANA, HONDA LEASE
TRUST, VICTOR CORTES, KRISTINE
SANTANA, DANIEL MILLS, ANDERSON
LEASING INC., JOHN DOES 1-10 AND
ABC CORPS. 1-10, (representing currently
unknown or unidentified defendants who
contributed to the happening of the accident
and/or plaintiff's injuries and damages)

Defendants.

CORTES

: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION - HUDSON COUNTY

DOCKET NO.: HUD-L-4906-17

Civil Action

STIPULATION OF DISMISSAL

WITH PREJUDICE AS TO DEFENDANTS

KRISTINA SANTANA AND VICTOR CORTES

The matter in the above entitled action having been amicably adjusted by and between the parties, it is hereby stipulated and agreed that the same be and it is hereby dismissed with prejudice and without costs against Defendants, KRISTINA SANTANA and VICTOR

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.

Harrell Smith & Williams, LLC

John F.X. Kennedy Esq.

Attorney for Plaintiff, Susanna Orellana

Law Office of Eric Bennett

Jenniger Octobe, Esq.

Atty for Defendants, Santana & Cortes

Dated: September 13, 2019

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harles Jones

* * * CHILD SUPPORT JUDGMENT SEARCH * * *
NEW JERSEY SUPERIOR COURT

543-7037-90

RE: SUSANNA ORELLANA

CERTIFIED TO:

HARRELL SMITH & WILLIAMS LLC 767 CENTRAL AVE WESTFIELD NJ 07090

CHARLES JONES LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE INDEX OF THE CIVIL JUDGMENT AND ORDER DOCKET OF THE SUPERIOR COURT OF NEW JERSEY AND DOES NOT FIND REMAINING UNSATISFIED OF RECORD THEREIN A JUDGMENT FOR CHILD SUPPORT PURSUANT TO N.J.S.A. 2A:17-56.23(B) EXCEPT AS SET FORTH BELOW AGAINST:

FROM TO

SUSANNA ORELLANA
SSN: XXX-XX-6024
*** Name is CLEAR ***

09-01-1992 09-11-2019

DATED 09-11-2019 TIME 08:45 AM

FEES: \$ 10.00 TAX: \$ 0.00 TOTAL:\$ 10.00

CJ19-256-03115 256 0756256 01

CHARLES JONES LLC P.O. BOX 8488 TRENTON, NJ 08650

ev. December 2014)

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

2 Excitate name/officequated entity name, it different better describitations of the control	asiment of the treasury small Revenus Service 1 Name is a shown on your income tax return). Name is required on this line;	in not leave this line blank.	
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Case 17-34679-SLM Doc 67 Filed 12/08/19 Entered 12/09/19 00:58:56 Desc Imaged Certificate of Notice Page 11 of 11

United States Bankruptcy Court District of New Jersey

In re: Luis Orellana Susana Orellana Debtors Case No. 17-34679-SLM Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2 User: admin Page 1 of 1 Date Rcvd: Dec 06, 2019

Form ID: pdf903 Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 08, 2019.

db/jdb 1607 83rd Street, North Bergen, NJ 07047-4250 +Luis Orellana. Susana Orellana.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

TOTAL: 0 NONE.

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 08, 2019 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2019 at the address(es) listed below:

Danielle Boyle-Ebersole on behalf of Creditor CSMC 2018-RPL12 TRUST

debersole@hoflawgroup.com, pfranz@hoflawgroup.com Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation

 $\verb|dcarlon@kmllawgroup.com|, bkgroup@kmllawgroup.com|$

Kevin Gordon McDonald on behalf of Creditor Toyota Motor Credit Corporation

kmcdonald@kmllawgroup.com, bkgroup@kmllawgroup.com
Marguerite Mounier-Wells on behalf of Debtor Luis Orellana nadiafinancial@gmail.com,

 ${\tt mwells@fitzgeraldcrouchlaw.com;} Fitz2Law@gmail.com$

Marguerite Mounier-Wells on behalf of Joint Debtor Susana Orellana nadiafinancial@gmail.com,

mwells@fitzgeraldcrouchlaw.com;Fitz2Law@gmail.com Marie-Ann Greenberg magecf@magtrustee.com

Nicholas Fitzgerald on behalf of Joint Debtor Susana Orellana Fitz2Law@gmail.com

Nicholas Fitzgerald

on behalf of Debtor Luis Orellana Fitz2Law@gmail.com Sarah J. Crouch on behalf of Joint Debtor Susana Orellana nickfitz.law@gmail.com,

nadiafinancial@gmail.com;fitzgeraldnj@stratusbk.com;sarah@fitzgeraldcrouchlaw.com;fitz2law@gmail.

Sarah J. Crouch on behalf of Debtor Luis Orellana nickfitz.law@gmail.com,

nadiafinancial@qmail.com;fitzqeraldnj@stratusbk.com;sarah@fitzqeraldcrouchlaw.com;fitz2law@qmail.

com

U.S. Trustee USTPRegion03.NE.ECF@usdoi.gov

TOTAL: 11